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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,358	03/28/2001	Jeane S. Chen	0005.US00	3309

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EXAMINER

LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/819,358	CHEN ET AL.	
	Examiner	Art Unit	
	Etienne P LeRoux	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-22,26-38,40-45 and 47-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-22,26-38,40-45 and 47-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Claims Status

Claims 1, 5-22 and 26-38, 40-45 and 47-53 are pending. Claims 2-4 and 23-25, 39 and 46 are canceled. Claims 1, 5-22 and 26-38, 40-45 and 47-53 are rejected as detailed below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-9, 11, 12, 16, 20, 22, 26-29, 32, 33, 35-38, 40, 45-45, 47 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572).

Regarding claims 1, 22, 35, 36 and 38, Pat '393 discloses: one or more virtual data islands [first donation kettle, second donation kettle 100, Fig 1] partitioned inside the database [kettle data storage 302, Fig 1a is partitioned inside terminal 120 data storage, Fig 1] each virtual data island storing client data for a specific client engaged in fundraising [col. 1, lines 20-25, col 5, lines 4-10, col 4, lines 48-51], the client data containing one or more constituent records [col. 3, lines 59-65, col 9, lines 57-60], the one or more constituent records including information about individuals [information about a contributor and a donation, col 3, lines 59-65], the information stored in a plurality of fields [col 9, lines 1-10] wherein each individual is assigned a

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unique identifier [col 9, lines 45-67, receipt produced for a contribution by a contributor], a data pool having data from one or more constituent records stored in the one or more virtual data islands [tally of a credit card 145 donation, tally of a debit card 150 donation, tally of a cash donation or combinations thereof for a single contributor or a plurality of contributors, col. 5, lines 10-20], wherein the results of the analysis are used in fundraising campaigns, one or more program codes for analyzing the data pool [software routine, col 5, lines 17-20, statistical software routine, col 5, lines 30-40]

Pat '393 discloses in col 9, lines 48-50 a receipt is produced for a single or plurality of donations – the receipt being for tax purposes, col 9, line 67 which reads on a compilation of unique identifiers of the individuals whose records are in the virtual data islands. Pat '393 fails to disclose a linking table. Pat '572 discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a linking table as taught by Pat '572 for the purpose of speedy analysis of marketing data and report generation [col. 10, lines 1-15].

Regarding claim 8, Pat '393 discloses the client is a person [col. 3, lines 59-65]

Regarding claims 9 and 28, Pat '393 discloses the results of the analysis are used to identify potential donors likely to donate to one or more charities [col. 5, lines 24-28].

Regarding claim 11, Pat '393 discloses a program code for statistical analysis [col. 5, lines 10-22]

Regarding claims 12 and 29, Pat '393 discloses a probability of a charitable donation [monthly statement, col.5, line 26]

Regarding claim 33, Pat '393 discloses a charitable organization [col. 1, lines 20-25].

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Regarding claim 20, Pat '393 discloses a common identifier shared by the individual donor records across the virtual data islands [credit card donation col. 3, line 48].

Regarding claims 7 and 32, Pat '393 discloses a charitable organization but does not disclose a nonprofit organization. Official Notice is taken that a nonprofit organization is well-known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a nonprofit organization since the IRS grants nonprofit status to most charitable organizations. *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970).

Regarding claims 5, 6, 26 and 27, Pat '393 discloses the essential elements of the claimed invention except for the internet. Pat '572 discloses the internet [col. 2, lines 60-63]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include the internet as taught by Pat '572 for the purpose of implementing an efficient market data collection system [col. 2, lines 60-63].

Regarding claim 16, Pat '393 discloses the essential elements of the claimed invention except for automatically updating fields. Pat '572 discloses automatically updating fields [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include automatically updating fields as taught by Pat '572 for the purpose of maintaining concurrency of data.

Regarding claim 37, Pat '393 discloses wherein the client is a charitable organization [col. 3, lines 55-58]

Regarding claims 40, 47 and 53, Pat '393 discloses a master island residing in the database and containing a compilation of the fields in the one or more virtual data islands [terminal 120, Fig 1]

Claims 17, 42, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) in view of US Pat. No. 6,519,572 issued to Riordan et al (hereafter Pat '572) as applied to claim 16 above, and further in view of US Pat. No. 6,539,446 issued to Chan (hereafter Pat '446).

Regarding claims 17, 42, 48 and 49, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for automatic notification of an update option. Pat 446 discloses automatic notification of an update option [col. 2, lines 60-64]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Pat '393 and Pat '572 to include automatic notification of an update as taught by Pat '446 for the purpose of notification that a lock failure has occurred [col. 2, lines 60-64].

3. Claims 10, 13-15, 41, 43, 44 and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Pat '393 and Pat '572 as applied to claim 1 above, and further in view of US Pat. No. 6,308,201 issued to Pivowar et al (hereafter Pat '201)

Regarding claims 10, 43 and 50, the combination of Pat '393 and Pat '572 discloses the essential elements of the claimed invention except for an opt-in field indicating whether a client has elected to share data. Pat '201 discloses an opt-in field indicating whether a client has

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elected to share data [Fig 11, 702]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to include an opt-in field indicating whether a client has elected to share data as taught by Pat '201 for the purpose of managing concurrent access to records/data to ensure lowest possible response times.

Regarding claim 13, the combination of Pat '393, Pat '572 and Pat '201 discloses the elements of the claimed invention as noted above and furthermore, Pat '201 discloses write-access to the field [Fig 5, 512, col 7, lines 29-38].

Regarding claim 14, Pat. '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention as noted above and furthermore, Pat '201 discloses the opt-in field accepts a multi-valued variable [Fig, 11, 702].

Regarding claim 15, Pat '393, Pat '572 and Pat '201 discloses the essential elements of the claimed invention and for sharing data with others in different manners [Figs 5 and 11]

Regarding claim 41, Pat '201 discloses means for allowing a client to update constituent records stored in their virtual data island [Fig 11, 702].

Regarding claim 44, Pat '393 discloses wherein if the client has elected to share data, data from constituents records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

Regarding claims 51 and 52, Pat '393 discloses wherein if the client has elected to share data, data from constituent records in the client's virtual data island are stored in the data pool and the client has access to the results of the analysis of data in the data pool [col 5, lines 30-40]

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4. Claims 18, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) and further in view of US Pat. No. 5,665,952 issued to Ziarno (hereafter Pat '952).

Regarding claim 18, 30 and 31, Pat '393 discloses the essential elements of the claimed invention except for login access for donors. Pat '952 discloses login access for donors [abstract]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include login access for donors as taught by Pat '952 for the purpose of convenience in donating to a charitable organization [abstract].

Claims 19, 21 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. No. 5,506,393 issued to Ziarno (hereafter Pat '393) as applied to claim 1 above, and further in view of US Pat. No. 6,535,871 issued to Romansky et al (hereafter Pat '871).

Regarding claims 19 and 34, Pat '393 discloses the essential elements of the claimed invention except for a political organization. Pat '871 discloses a political organization [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pat '393 to include a political organization as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Regarding claim 21, Pat '393 discloses the essential elements of the claimed invention except for an opt-out field. Pat '871 discloses an opt-out field [col. 2, lines 10-25]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify Pat '393 to include an opt-out field as taught by Pat '871 for the purpose of preventing the revealing of top contributors to a political campaign [col. 2, lines 10-25].

Response to Arguments

Applicant's arguments filed 2/14/2006 have been fully considered but they are not persuasive.

Applicant Argues:

The cited references fail to teach or suggest at least this feature of the pending claims. Neither Ziarno nor Riordon relates to analysis of data in one or more virtual data islands partitioned in a database and therefore, does not contemplate the problems addresses by the present invention. The Office Action cites Ziarno as disclosing each individual being assigned a unique identifier at col 9, lines 45-67. Applicant respectfully disagrees with this interpretation of the disclosure of Ziarno.

Examiner Responds:

Examiner is not persuaded. Applicant defines "virtual island" in paragraph 9 of the specification of instant application. Paragraph 9 is reproduced below:

Summary of Invention Paragraph:

[0009] For example, an ASP may specialize in the handling of information or data of charitable organizations. Such an ASP will host a large database, also referred herein as a data warehouse, comprising a plurality of client databases, each client database representing the data of a client

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organization. An application software runs on top of each of the client databases. The client databases of the individual client organizations can be considered as virtual islands of information. To ensure privacy of the clients' data, no data is allowed to pass from one island to another.

Therefore, the specification states that the database which an organization keeps of its clients can be considered as a virtual island. Based on the definition in Applicant's specification, examiner maintains the following disclosure by Ziarno reads on the claimed "virtual island."

In an alternate embodiment, the donation kettle 100 first stores the information about the contributor and/or the donation it has accepted in a data storage 302 (FIG. 1a), and then at a latter time communicates it to terminal 120 via communication circuitry 990 (FIG. 1a) and a communication link 140, e.g. after a single session of donation collection. Terminal 120 might be located on-site at a charitable organization or at some remote location, by way of example, at an accountant's office. Terminal 120 then communicates the information about the contributor and/or the donation via a communication link 1030, which by way of example, might include a telephone hookup; with a card account processor database 1032 (FIG. 2b), or the like.

The database maintained in Terminal 120 reads on the claimed virtual island because it is a database of contributions made by a contributor/donor. Obviously, contributors disclosed by Ziarno are the same as the clients in applicant's specification.

Furthermore, considering the claim limitation "wherein each individual is assigned a unique identifier." Examiner maintains that a unique identifier (card account information) is inherent in the following disclosure(s) by Ziarno:

Column 4, line 58 through column 5, line 10:

The present invention also provides a method of processing a donation obtained via donation kettle 100 by a card account processor. A card donation processor 160/240 obtains card account information and/or information representative of a donation amount from a contributor. The card account processor receives card account information and/or the donation amount information via a direct communication link, by way of example, link 140, and/or an indirect link, e.g. link 140 and link 1030 via terminal 120. In one embodiment, terminal 120 contains a modem and related

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circuitry. The card account processor enters a debit representative of the donation amount to an account of an contributor, and enters a credit representative of said donation amount to an account of a charitable organization. Card account and/or donation information is submitted in batch to a card account processor in one embodiment. Similarly, card account and/or donation information collected via a worship terminal, worship terminal network, offering plate, and/or offering plate network can be transmitted in batch to a card account processor.

Furthermore, the disclosure by Ziarno in column 6, lines 1-15 that the organization can keep a running total of contributions made by an individual implies that the organization has assigned a unique identifier to that particular individual

In the present embodiment, processing circuitry 903 includes a microprocessor. However, multiple microprocessors, or a plurality of dedicated microprocessors may also be used. Processing circuitry 903 and associated circuitry are powered through power source 1437. Processing circuitry 903 interfaces with associated circuitry via an address bus 536, data bus 533, and control bus 530. Specifically, upon detection by the card reader 307 that a donation is being made, card reader circuitry 303 interrupts processing circuitry 903. Circuitry 903 responds to the interrupt by reading the buffered donation information. Circuitry 903 then stores the donation information in storage 302. In one embodiment, circuitry 903 also adds the new donation information to a running total of donation information stored in storage 302.

Still further, Ziarno discloses providing a tax certificate to a contributor, refer column 9, lines 45-65. A unique identifier is inherent because the organization is able to track the contributor and keep a running total of all contributions such that at the end of the year, a receipt of all contributions made during a tax year can be provided to the contributor.

Detailed Description Text (41):

Preferably, a receipt generator (a printer 821 and associated circuitry 823) is located on or near a donation kettle 100. In an alternate embodiment, the receipt generator may be located at a remote location. The receipt generator produces a receipt for a single donation or a plurality of donations. In one embodiment, a donation kettle 100 communicates, via a communication link, preferably an RF (radio frequency) communication link or an infra-red communication link, with the receipt generator. In another embodiment, a donation kettle 100 communicates donation and contributor information, via a communication link to terminal 120. Terminal 120 then communicates the contributor and donation information to the receipt generator. The

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communication consists of information about the contributor, the donation, the date, the intention for which the donation was given, and the like. The receipt generator processes the information about the contributor and the donation to generate a receipt. The receipt may be generated automatically by the receipt generator to be picked up by the contributor at or soon after visiting the donation kettle 100, or may be generated for mailing or faxing to the contributor. A contributor of a charitable organization may desire the receipt for tax purposes.

Applicant Argues:

Applicant states in the first paragraph of page 13 "Further, nowhere does Ziarno teach or suggest storing any such unique identifier in a linking table. Thus, Ziarno neither teaches nor suggests at least this feature of the independent claims. None of the cited references teach or suggest this feature.

Examiner Responds:

Examiner is not persuaded. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner above showed conclusively that a unique identifier was inherent in the disclosure of Ziarno. considering now the claimed linking table. It can be argued that a linking table is inherent in the disclosure of Ziarno per the following excerpt from Ziarno's disclosure:

Column 3, line 66 through column 4, line 11:

In an alternate embodiment, the donation kettle 100 first stores the information about the contributor and/or the donation it has accepted in a data storage 302 (FIG. 1a), and then at a latter time communicates it to terminal 120 via communication circuitry 990 (FIG. 1a) and a communication link 140, e.g. after a single session of donation collection. Terminal 120 might be located on-site at a charitable organization or at some remote location, by way of example, at an accountant's office. Terminal 120 then communicates the information about the contributor

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and/or the donation via a communication link 1030, which by way of example, might include a telephone hookup, with a card account processor database 1032 (FIG. 2b), or the like.

Ziarno discloses per the above that each donation kettle initially stores the information about the contributor and the donation. Figure 1 shows a plurality of kettles and obviously each kettle has its own database. At a later time each kettle transfers its information over communication link 140 to terminal 120 located on-site at the charitable organization. Therefore, the database in Terminal 120 can be considered a “linking table” because it links all the information which it receives from the plurality of database located in the donation kettles 100.

Furthermore, Riordan discloses a linking table [col. 10, lines 1-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ziarno to include a linking table as taught by Riordan for the purpose of speedy analysis of marketing data and report generation [Riordan: col. 10, lines 1-15].

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday between 8:00 am and 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Etienne LeRoux

March 10, 2006

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', written over the printed name and date.